

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: Chairman Gregory D. Barkus, on January 29, 2009 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Gregory D. Barkus, Chairman (R)
Sen. John Brenden, Vice Chairman (R)
Sen. Joe Balyeat (R)
Sen. Debby Barrett (R)
Sen. Steven Gallus (D)
Sen. Jim Shockley (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused:

Sen. Larry Jent (D)
Sen. Trudi Schmidt (D)

Members Absent: None.

Staff Present: Lindsey Hern, Committee Secretary
Hope Stockwell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 184, 1/21/2009; SB 185,
1/21/2009; SB 188, 1/21/2009

Executive Action: SB 13; SB 14; SB 15; SB 16; SB 184;
SB 185; SB 188; SB 202

HEARING ON SB 185

Opening Statement by Sponsor:

00:01:21 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 185, Nonresident college student combination game license.

Proponents' Testimony:

00:04:29 Maureen Weiland, Associated Students of Montana State University (ASMSU)
00:05:27 Doug Nulle, Montana Shooting Sports Association(MSSA)
00:06:15 Lucas Hamilton, ASMSU
00:06:49 Taylor Gregory, Student, Carroll College
00:07:38 Jeau Johnson, Montana Outfitters Association
00:08:33 Chris Smith, Deputy Director, Fish Wildlife and Parks (FWP)

[EXHIBIT\(fis21a01\)](#)

[EXHIBIT\(fis21a02\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:10:24 Sen. John Brenden
00:11:22 Sen. Balyeat
00:11:47 Hope Stockwell, Legislative Service Division (LSD)
00:11:57 Sen. Brenden
00:12:02 Hope Stockwell, LSD
00:12:15 Chairman Barkus
00:12:50 Mr. Gregory,
00:12:58 Sen. Barrett
00:13:30 Sheila Stearns, Commissioner of Higher Education

Closing by Sponsor:

00:15:17 Sen. Balyeat

HEARING ON SB 184

Opening Statement by Sponsor:

00:17:34 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 184, Adjust bear, mountain lion and bison hunting license deadlines.

[EXHIBIT\(fis21a03\)](#)

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

00:23:31 Mr. Smith, FWP

[EXHIBIT\(fis21a04\)](#)

00:24:46 Sen. Larry Jent came into the committee.

Questions from Committee Members and Responses:

00:27:10 Sen. Tropila
00:27:21 Mr. Smith, FWP
00:28:10 Sen. Barrett
00:29:09 Mr. Smith, FWP
00:29:40 Sen. Shockley
00:30:00 Mr. Smith, FWP
00:30:11 Chairman Barkus
00:30:28 Sen. Balyeat
00:30:37 Chairman Barkus
00:30:54 Sen. Balyeat
00:31:13 Sen. Gallus
00:31:34 Sen. Balyeat
00:31:55 Sen. Gallus
00:32:02 Mr. Smith, FWP
00:32:49 Sen. Gallus

Closing by Sponsor:

00:33:05 Sen. Balyeat

HEARING ON SB 188

Opening Statement by Sponsor:

00:35:48 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 188, Revise fish and game laws re: regulation of special elk permits.

[EXHIBIT\(fis21a05\)](#)

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

00:41:21 Mr. Smith, FWP

[EXHIBIT\(fis21a06\)](#)

Questions from Committee Members and Responses:

00:46:09 Sen. Gallus
00:46:42 Sen. Balyeat
00:47:05 Chairman Gebhardt
00:47:09 Mrs. Stockwell, LSD
00:47:50 Sen. Barrett
00:48:17 Sen. Tropila
00:48:28 Sen. Balyeat
00:48:37 Chairman Gebhardt
00:48:56 Mr. Smith, FWP
00:49:21 Sen. Shockley
00:49:35 Mr. Smith, FWP

Closing by Sponsor:

00:50:00 Sen. Balyeat

Additional Discussion on Bills:

00:51:14 Mr. Smith, FWP
00:52:39 Sen. Balyeat
00:52:45 Chairman Barkus
00:52:47 Sen. Balyeat
00:52:51 Sen. Gallus
00:53:30 Sen. Balyeat

EXECUTIVE ACTION ON SB 185

00:53:34 **Motion:** Sen. Balyeat moved that **SB 185 DO PASS.**

Discussion:

00:53:50 Sen. Shockley
00:54:12 Mrs. Stockwell, LSD
00:54:19 Sen. Shockley
00:54:31 Mrs. Stockwell, LSD
00:54:57 Sen. Shockley
00:54:59 Mrs. Stockwell, LSD
00:55:04 Sen. Shockley
00:55:21 Mrs. Stockwell, LSD
00:55:28 Sen. Shockley
00:55:30 Mrs. Stockwell, LSD
00:55:35 Chairman Barkus

00:55:47 **Vote:** Motion that **SB 185 DO PASS** carried unanimously by voice vote (members present and voting).

EXECUTIVE ACTION ON SB 188

00:56:11 **Motion/Vote:** Sen. Balyeat moved that **SB 188 DO PASS.** Motion carried unanimously by voice vote (members present and voting).

EXECUTIVE ACTION ON SB 184

00:56:43 **Motion:** Sen. Balyeat moved that **SB 184 DO PASS.**

00:57:01 **Motion:** Sen. Balyeat moved that **SB 184 BE AMENDED.** (Exhibit 3)

Discussion:

00:57:10 Sen. Balyeat

00:57:30 **Vote:** Motion that **SB 184 BE AMENDED** carried unanimously by voice vote (members present and voting).

00:57:39 **Motion/Vote:** Sen. Balyeat moved that **SB 184 AS AMENDED.** Motion that **SB 184 DO PASS AS AMENDED** carried unanimously by voice vote (members present and voting).

EXECUTIVE ACTION ON SB 14

00:59:16 **Motion:** Sen. Brenden moved that **SB 14 DO PASS.**

Discussion:

00:59:41 Sen. Shockley
01:01:43 Chairman Barkus
00:01:47 Sen. Shockley
01:02:15 Sen. Brenden
01:04:24 Sen. Jent

01:05:57 **Substitute Motion/Vote:** Sen. Gallus made a substitute motion that **SB 13 BE TABLED.** Substitute motion carried 5-4 by roll call vote with Sen. Barkus, Sen. Barrett, Sen. Brenden, and Sen. Shockley voting no. Sen. Schmidt voted by proxy.

EXECUTIVE ACTION ON SB 13

01:08:10 **Motion:** Sen. Shockley moved that **SB 13 DO PASS.**

Discussion:

01:08:44 Sen. Shockley
01:09:47 Sen. Brenden
01:10:24 Sen Shockley
01:11:05 Sen. Balyeat
01:11:35 Chairman Barkus
01:11:38 Mrs. Stockwell, LSD
01:11:44 Sen. Jent
01:12:30 Mrs. Stockwell, LSD
01:12:36 Sen. Jent
01:12:39 Chairman Barkus
01:13:02 Mrs. Stockwell, LSD
01:13:26 Chairman Barkus
01:13:32 Sen. Jent

00:14:05 **Vote:** Motion failed 3-6 by roll call vote with Sen. Barkus, Sen. Barrett, and Sen. Brenden voting aye. Sen. Schmidt voted by proxy.

00:14:50 Chairman Barkus, without objection, reversed the vote and Tabled SB 13.

EXECUTIVE ACTION ON SB 15

01:15:19 Sen. Shockley

01:15:32 **Motion:** Sen. Brenden moved that **SB 15 DO PASS.**

Discussion:

01:16:23 Sen. Shockley

01:16:31 Sen. Gallus

01:16:37 Sen. Balyeat

01:17:15 Sen. Jent

01:18:57 Sen. Tropila

01:19:03 Sen. Gallus

01:20:37 Sen. Barrett

01:21:19 **Vote:** Motion that **SB 15 DO PASS** failed 1-8 by voice vote with Sen. Brenden voting aye. Sen. Schmidt voted by proxy.

01:21:44 Chairman Barkus, without objection, reversed the vote and Tabled SB 15.

EXECUTIVE ACTION ON SB 16

01:22:13 **Motion:** Sen. Brenden moved that **SB 16 DO PASS.**

Discussion:

01:22:26 Sen. Brenden

01:22:42 Sen. Shockley

01:23:05 Mr. Smith, FWP

01:23:08 Sen. Shockley

01:23:19 Mr. Smith, FWP

01:23:39 Sen. Shockley

01:24:00 Mr. Smith, FWP

01:24:27 Sen. Shockley

01:24:43 Mr. Smith, FWP

01:24:57 Sen. Tropila

01:25:13 Mr. Smith, FWP

01:25:17 Sen. Tropila

01:25:32 Mr. Smith, FWP

01:25:40 Sen. Balyeat

01:26:08 Mr. Smith, FWP

01:26:15 Sen. Balyeat

01:26:38 Mr. Smith, FWP

01:27:00 Sen. Balyeat

01:27:08 Mr. Smith, FWP

01:27:44 Sen. Balyeat
 01:29:36 Sen. Gallus
 01:30:00 Mr. Smith, FWP
 01:30:18 Sen. Gallus
 01:30:20 Mr. Smith, FWP
 01:31:01 Sen. Barrett
 01:31:40 Sen. Tropila
 01:32:02 Chairman Barkus

01:33:04 **Vote:** Motion that **SB 16 DO PASS** failed 3-6 by roll call vote with Sen. Balyeat, Sen. Barkus, and Sen. Brenden voting aye. Sen. Schmidt voted by proxy.

01:33:46 Chairman Barkus, without objection, reversed the vote and Tabled SB 16.

01:33:54 **Motion:** Sen. Tropila moved to draft a committee bill **SB 16.**

Discussion:

01:34:17 Sen. Balyeat
 01:34:25 Sen. Tropila
 01:34:38 Sen. Brenden
 01:36:01 Chairman Barkus
 01:36:06 Sen. Tropila
 01:36:31 Sen. Shockley
 01:36:49 Sen. Gallus
 01:37:28 Sen. Balyeat
 01:39:14 Sen. Jent
 01:40:21 Sen. Gallus
 01:40:53 Sen. Shockley
 01:41:10 Chairman Barkus
 01:41:36 Sen. Tropila

Discussion occurred regarding the recommendation by Chairman Barkus that Sen. Tropila withdraw the motion to draft a committee bill, no formal action was taken to withdraw the motion.

01:41:48 Sen. Balyeat
 01:42:09 Sen. Tropila
 01:42:16 Sen. Balyeat
 01:42:34 Mr. Smith, FWP
 01:43:22 Sen. Barrett
 01:43:51 Sen. Brenden
 01:44:28 Chairman Barkus, without objection, postponed further action concerning a committee bill related to SB 16.

EXECUTIVE ACTION ON SB 202

01:45:28 **Motion:** Sen. Gallus moved that **SB 202 DO PASS.**

01:45:37 **Motion:** Sen. Brenden moved that **SB 202 BE AMENDED.**
EXHIBIT(fis21a07)

Discussion:

01:46:19 Mrs. Stockwell, LSD

01:47:14 **Vote:** Motion that **SB 202 BE AMENDED** carried
unanimously by voice vote. Sen. Brenden and Sen.
Schmidt voted by proxy.

01:47:41 **Motion:** Sen. Gallus moved that **SB 202 AS AMENDED.**

01:47:49 **Motion:** Sen. Jent moved that **SB 202 BE AMENDED.**
EXHIBIT(fis21a08)

Discussion:

01:48:40 Sen. Shockley

01:48:50 Sen. Jent

01:48:56 Sen. Shockley

01:49:01 Sen. Jent

01:49:07 Sen. Balyeat

01:49:47 **Vote:** Motion that **SB 202 BE AMENDED** carried
unanimously by voice vote. Sen. Brenden and Sen.
Schmidt voted by proxy.

01:50:12 **Motion:** Sen. Gallus moved **SB 202 AS AMENDED.**

Discussion:

01:50:31 Sen. Balyeat

01:51:25 Sen. Barrett

01:52:06 Sen. Shockley

01:52:24 **Vote:** Motion that **SB 202 DO PASS AS AMENDED** carried 7-
2 by roll call vote with Sen. Balyeat and Sen. Brenden
voting no. Sen. Brenden and Sen. Schmidt voted by
proxy.

ADJOURNMENT

Adjournment: 4:54 P.M.

Lindsey Hern, Secretary

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Additional Documents:

EXHIBIT ([fis21aad.pdf](#))